

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

WALTER MORAN,	)	
	)	
Plaintiff,	)	No. 18 C 3936
	)	
v.	)	Honorable Elaine E. Bucklo
	)	
ANDRES ORTIZ, et al.,	)	
	)	
Defendants.	)	

**PLAINTIFF'S RESPONSE TO DEFENDANTS' REQUESTS TO ADMIT**

NOW COMES, Plaintiff, WALTER MORAN ("Moran"), by and through his court-appointed counsel, MOMKUS LLC, and for his Response to Defendants' Requests to Admit, states as follows:

**REQUESTS FOR ADMISSION**

1. Admit that Plaintiff has not paid any money for medical care he has received while detained at Cook County Jail.

**ANSWER:** Admitted.

2. Admit that Plaintiff has been convicted of a felony in the past ten years.

**ANSWER:** Admitted.

3. Admit that Defendant, Cook County, is immune from any punitive damage award under *City of Newport v. Fact Concerts, Inc.*, 453 U.S. 247, 101 S. Ct. 2748 (1981).

**ANSWER:** Plaintiff admits that Cook County is immune from direct awards of punitive damages in actions brought under §1983. Plaintiff denies that Defendant Ortiz is immune from any punitive damage award and further denies that Cook County is immune from any indemnification of Defendant Ortiz for punitive damages pursuant to *City of Newport v. Fact Concerts, Inc.*, 453 U.S. 247, 101 S. Ct. 2748 (1981).

4. Admit that Plaintiff never provided and [sic] CCDOC staff any written document informing staff that his “did not feel safe.”

**ANSWER:** **Admitted.**

5. Admit that Plaintiff refused to press charges against any detainee involved in the July 12, 2017 incident on Tier 2B of Division 9.

**ANSWER:** **Denied.**

6. Admit that Plaintiff refused protective custody following the July 12, 2017 incident on Tier 2B of Division 9.

**ANSWER:** **Denied.**

7. Admit that Plaintiff did not request protective custody following the July 12, 2017 incident on Tier 2B of Division 9.

**ANSWER:** **Admitted.**

8. Admit that Plaintiff refused to press charges against any detainee involved in the July 12, 2017 incident on Tier 2E of Division 9.

**ANSWER:** **Denied.**

9. Admit that Plaintiff refused protective custody following the July 12, 2017 incident on Tier 2E of Division 9.

**ANSWER:** **Denied.**

10. Admit that Plaintiff did not request protective custody following the July 12, 2017 incident on Tier 2E of Division 9.

**ANSWER:** **Admitted.**

Respectfully submitted,

WALTER MORAN

/s/ John P. Killacky

By: One of his Attorneys

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John P. Killacky (ARDC #6275270)

Patrick R. Boland (ARDC #6312380)

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ANDRES ORTIZ, et al.,	)	
	)	
Defendants.	)	

**DECLARATION OF WALTER MORAN**

Pursuant to 28 U.S.C. § 1746, the undersigned, Walter Moran, declares that he has read the foregoing Response to Defendants' Requests to Admit and the Responses made therein are true, correct, and complete to the best of his knowledge and belief.



Walter Moran

**CERTIFICATE OF SERVICE**

I, John P. Killacky, an attorney, certifies that on October 8, 2019, he served the foregoing *Plaintiff's Response to Defendants' Request to Admit* to the following counsel, via electronic mail, and U.S. First Class Mail, in a properly addressed, stamped envelope, with the proper postage prepaid before the hour of 5:00 p.m.:

Kevin Thomas  
Assistant State's Attorney  
Cook County State's Attorney's Office  
500 Richard J. Daley Center  
Chicago, Illinois 60602  
[Kevin.thomas@cookcountyil.gov](mailto:Kevin.thomas@cookcountyil.gov)

\_\_\_\_\_  
/s/      John P. Killacky  
John P. Killacky

John P. Killacky (ARDC #6275270)  
Patrick R. Boland (ARDC #6312380)  
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